

REMARKS/ARGUMENTS

Claims 32 and 34 are pending in this application. Applicants have amended claims 32 and 34. Support for said amendments can be found throughout the specification as originally filed. See, for example, example 3 on page 15, example 5 on page 16, example 12 on page 20, example 14 on page 21, examples 16 and 17 on page 22, examples 26-33 on pages 28-30, page 6, line 18 to page 7, line 14, and page 7, line 34 to page 8, line 2. No new matter has been added.

I. Objections to the specification

The specification allegedly fails to comply with 37 CFR 1.821 through 1.825 for citing nucleic acid sequences, without citing their corresponding SEQ ID NOS. Applicants have amended pages 23, 25, 31-34 to include SEQ ID NOS and therefore request the objection to the specification be removed.

II. Rejection under 35 U.S.C. § 112, Second Paragraph

Claims 32 and 34 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. In particular, the Office Action alleges that it is unclear whether the claims are drawn to methods of "detecting" or methods of "contacting". While not necessarily agreeing with the rejection, Applicants have herewith amended claims 32 and 34. Because the amended claims no longer recite methods, Applicants submit that the rejection is moot and should be withdrawn.

III. Rejection under 35 U.S.C. § 112, First Paragraph

Claims 32 and 34 are rejected under 35 U.S.C. § 112, first paragraph, as being indefinite for allegedly failing to comply with the enablement requirement. Although Applicants do not agree with the rejection, Applicants have amended claims 32 and 34. In view of the amendments, which change the claims from method to composition claims, Applicants believe that the allegation that undue experimentation would be required to select compounds for use in the method claims is moot. Withdrawal of the rejection is respectfully requested.

DOCKET NO: ISIS-5239
SERIAL NO: 10/628,043
Response to Office Action Dated: April 15, 2005

PATENT

IV. Double Patenting

Claims 32 and 34 stand rejected under the judicially created doctrine of obviousness-type double patenting in view of claims 1-11 of claims 1-2 of US Patent 6,803,198 ("the 198 patent). Applicants submit that the rejection for alleged obviousness-type double patenting is not applicable to amended claims 32 and 34.

Conclusions

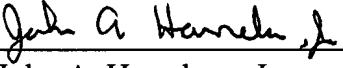
Applicants respectfully request:

- (1) entry of the amendments to claims 32 and 34;
- (2) reconsideration and withdrawal of the rejection of claims 32 and 34; and
- (3) allowance of claims 32 and 34.

The foregoing is believed to constitute a complete and full response to the Office Action of record. The Examiner is invited to contact Applicants' undersigned representative at (215) 564-8366 if there are any questions regarding Applicants' claimed invention.

Respectfully submitted,

Date: August 5, 2005


John A. Harrelson, Jr.
Registration No. 42,637

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439